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By JOE WILSON

Guest columnist, The State

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In 1978, our government passed the Foreign Intelligence Surveillance Act because we needed an oversight mechanism to ensure that lawful Americans were protected from unlawful eavesdropping. At that time, cell phones were practically nonexistent, computers were mostly owned by universities and research institutions, and the World Wide Web did not exist.

In the 30 years since the creation of FISA, we have seen extraordinary technological advancements. Modern communication tools such as the Internet allow individuals to communicate with each other around the world with relative ease. The FISA law of three decades ago simply does not work in today's modern communications world.

Under the original law, if two suspected foreign nationals communicated with each other and their communications touched American soil through our domestic telecommunications networks, they were granted the same protections as American citizens. Those protections required our intelligence community to ask the FISA court for a warrant before it could eavesdrop. If you ask the American people whether or not they believe al-Qaida or other terrorist organizations should be protected by a FISA court, the overwhelming majority would say absolutely not. The American people understand that FISA was created to ensure that their civil liberties are protected. However, that is the loophole that exists today.

When Congress fixed this loophole with the Protect America Act, we did so not to undermine FISA, but rather to modernize its focus so that Americans were protected from not only unlawful surveillance but also new terrorist threats. With that fix no longer law, that loophole has reopened, and new potential terrorists who use our domestic networks for communication can once again count on the protection of the FISA court.

Unfortunately, while we should be doing everything we can to keep that loophole closed, some in Congress prefer to ignore or nullify the potential threat and instead make this debate about punishing American telecommunication companies.

Following 9/11, our intelligence community and the Justice Department sought the assistance of telecommunication companies to help gather intelligence on suspected terrorists. The companies who cooperated with the government did so with assurances from the Justice Department and in a good faith attempt to help protect our homeland.

Now, a number of class-action trial lawyers and their allies in Congress want to throw those companies under the bus by convicting them of breaking the law when they were in fact cooperating with the government and had assurances that this activity was lawful. If we fail to provide these companies with retroactive immunity today, it will set a dangerous precedent and send the wrong message to private companies. They will feel little obligation to cooperate in the future, which would degrade our intelligence capability.

There is a bill to extend the Protect America Act ready to go. It provides fair and necessary immunity to American businesses and ensures the rights of American citizens. It has been overwhelmingly supported by a bipartisan coalition of representatives and senators, the White House, our intelligence community and the Justice Department. The Senate has passed the bill with a more than two-thirds majority, and President Bush has agreed to sign it. Twenty-one moderate House Democrats have even sent a letter to Speaker of the House Nancy Pelosi asking that this bill be brought to the floor for a vote.

The majority leadership in the House of Representatives is choosing to ignore all this, and it now stands in the way of protecting American families. That failure to act is unacceptable.